

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JESUS LEMUS,

03:10-cv-1071-PK

Plaintiff,

ORDER

v.

TIMBERLAND APARTMENTS, L.L.C.,
et al,

Defendants.

MARSH, Judge

Magistrate Judge Paul Papak issued a Findings and Recommendation (#98) on December 21, 2011, recommending that plaintiff Jesus Lemus' motion for leave to file an amended complaint and motion for partial summary judgment should be granted in part and denied in part. Also, Judge Papak recommended that defendants' motion for summary judgment should be granted in part and denied in part. This matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). No objections have been timely filed.

When neither party objects to a Magistrate Judge's Findings and Recommendation, this court is relieved of its obligation to

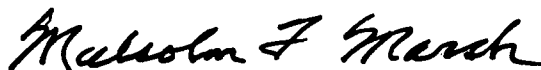
review the record de novo. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Papak's Finding and Recommendation (#98) in its entirety. IT IS ORDERED that plaintiff's Motion for Leave to File an Amended Complaint (#59) is GRANTED to remove Polygon Northwest as a defendant, but is otherwise DENIED. IT IS ORDERED that plaintiff's Motion for Partial Summary Judgment (#62) is GRANTED as to Timberland Apartments, L.L.C., but DENIED as to defendant WR Townhomes F, L.L.C. IT IS ORDERED that defendants' Motion for Summary Judgment (#67) is GRANTED as to WR Townhomes F, L.L.C., but DENIED as to Timberland Apartments, L.L.C.

IT IS FURTHER ORDERED that JUDGMENT is entered dismissing defendant Polygon Northwest Company L.L.C. without prejudice, and dismissing defendant WR Townhomes F with prejudice. JUDGMENT is entered in plaintiff's favor against Timberland Apartments L.L.C. in the amount of \$900.60.

IT IS SO ORDERED.

DATED this 20 day of JANUARY, 2012.


Malcolm F. Marsh
United States District Judge